

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

SYLVIA MARIE ROONEY,

Plaintiff,

v.

Case No. 18-cv-2030-pp

NANCY BERRYHILL,

Defendant.

**ORDER REQUIRING PLAINTIFF TO FILE AN AMENDED MOTION FOR
LEAVE TO PROCEED WITHOUT PREPAYING THE FILING FEE**

The plaintiff has filed a complaint seeking judicial review of a final administrative decision denying her claim for disability insurance benefits under the Social Security Act. Dkt. No. 1. She also filed a motion for leave to proceed without prepaying the filing fee. Dkt. No. 3.

To allow the plaintiff to proceed without paying the fee, the court first must decide whether the plaintiff can pay the fee; if not, it must determine whether the lawsuit is frivolous. 28 U.S.C. §§1915(a) and 1915(e)(2)(B)(i).

The plaintiff's affidavit does not provide enough facts for the court to determine whether she can pay the filing fee. The affidavit indicates that the plaintiff is not employed, that she is married but separated, and that she has no dependents. Dkt. No. 3 at 1. She lists her income and her spouse's income as "0," and her expenses as "0." Id. at 2. She says she owns nothing. Id. at 3-4. Under Section V, Other Circumstances, the plaintiff states, "I am separated from my spouse. I do not get any support from him and I do not know how much he makes." Id. at 4.

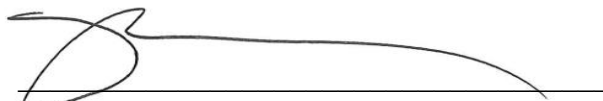
The plaintiff is living somewhere. She is eating somehow. Perhaps she is not responsible for paying for those things, because she is living with someone, or someone is giving her money. If so, she needs to tell the court that. If she is living off her savings, she needs to tell the court that. If she gets a pension check or supports herself from an inheritance, she must tell the court that. The request form requires the plaintiff to list any money she receives from any source, and any money that she must pay for expenses.

The court will require the plaintiff to file a new “Non-Prisoner Request to Proceed in District Court Without Prepaying the Filing Fee” affidavit. The plaintiff must provide the court with enough information to demonstrate how she is supporting herself, and to determine whether she has any income available to her to pay the filing fee for this case.

The court **ORDERS** the plaintiff to file a new affidavit in time for the court to receive it by the end of the day on **Friday, February 1, 2019**. If the court does not receive a new affidavit in time for the court to receive it by the end of the day on Friday, February 1, 2019, the court will deny the plaintiff’s application to proceed without prepaying the filing fee and will require her to pay the full \$400 fee by a date certain.

Dated in Milwaukee, Wisconsin this 11th day of January, 2019.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge